



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

MAY 12 2016

Mr. Steve Berteotti
Environmental, Health, & Safety Manager
Penn United Technologies Inc.
799 North Pike Road
Cabot, PA 16023

**Re: Notice of Violation
Compliance Evaluation Inspection
August 27, 2014
EPA ID No. – PA0000193409**

Docket Number: R3-16-NOV-RCRA-014

Dear Mr. Berteotti,

On August 27, 2014, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act ("SWMA") and Resource Conservation and Recovery Act ("RCRA"), as amended 42 U.S.C. Section 6901 et seq. at Penn United Technologies Inc. ("Penn United" or "Facility"). Based on this inspection, information obtained from an Information Request Letter ("IRL") from EPA to the Facility dated September 29, 2015, and/or review of other pertinent information, EPA has determined that Penn United is in violation of regulations promulgated under RCRA. As a result of this finding, the EPA is issuing this **Notice of Violation ("NOV")**. The specific violation(s) is as follows:

1. The Facility failed to mark hazardous waste containers with a start accumulation date. At the time of the inspection, EPA inspector noted approximately 11 hazardous waste containers that did not have a start accumulation date on them. As per 25 PA 262a.10., which incorporates by reference 40 CFR 262.34(a)(2), the date upon which each period of accumulations begins must be clearly marked and visible for inspection on each hazardous waste container.
2. The Facility failed to conduct weekly inspections of its Hazardous Waste Accumulation Area ("HWAA"). At the time of the inspection, Penn United provided documentation

that indicated the Facility failed to conduct weekly inspections of its HWAA on 22 occasions between 2013 and 2014. As per 25 PA 265a.1., which incorporates by reference 40 CFR 265.174, any facility that stores containers of hazardous waste is required to conduct at least weekly inspections of any location where the hazardous waste containers are stored.

3. The Facility failed to store waste lamps within closed containers. At the time of the inspection, Penn United was storing approximately 200 waste lamps at the Facility. Many of these lamps were not stored in closed containers. As per 25 PA 266b.1., which incorporates by reference 40 CFR 273.13(d)(1), small quantity handlers of universal waste are required to store waste lamps in containers that are structurally sound and must remain closed.
4. The Facility failed to label containers storing waste lamps. At the time of the inspection, many of the Facility's waste lamps were being stored in containers that were not labeled. As per 25 PA 266b.1., which incorporates by reference 40 CFR 273.14(e), small quantity handlers of universal waste are required to store waste lamps in containers that are labeled clearly with one of the following phrases: "Universal Waste Lamps", "Waste Lamps", or "Used Lamps".
5. The Facility failed to notify the Pennsylvania Department of Environmental Protection ("PADEP") and/or EPA of its management of a Hazardous Secondary Material ("HSM") in order to qualify for exclusions the Facility appears to be operating under. In order to qualify for the exclusions available under the new Definition of Solid Waste ("DSW"), the Facility is required to notify using EPA Form 8700-12. As per 25 PA 261a.1., which incorporates by reference 40 CFR 261.4(a)(24)(vii) that references 40 CFR 260.42, facilities are required to send notification of HSM management prior to operating under new DSW exclusions. As well as sending this notification, the Facility must comply with all of the requirements listed under 40 CFR 261.4(a)(24) in order to qualify for the HSM exclusion.
6. The Facility failed to meet the requirements to qualify for exemptions regarding its reclamation of precious metals. Penn United failed to notify the state and/or EPA of its reclamation of precious metals under section 3010 of RCRA. Penn United has also failed to maintain records documenting that these recycled materials are not being speculatively accumulated as per 25 PA 266a.1., which incorporates by reference 40 CFR 266.70.

Areas of Concern

- a. Please note that as per 25 PA 266b.1., which incorporates by reference 40 CFR 273.15, small quantity handlers of universal waste may store waste lamps for up to and not exceeding one year and records must be maintained to demonstrate that the Facility is not exceeding this one year limit.
- b. Please note that as per 25 PA 262.a.10., which incorporates by reference 40 CFR 262.34(c)(1), a generator may store as much as, not exceeding, 55 gallons of hazardous

waste in a satellite accumulation area container. One cubic yard totes exceed 55 gallons and if hazardous waste, that does not meet the precious metal exemption or the hazardous secondary material exclusion, is being stored in them, the containers must be marked with a start accumulation date once 55 gallons is exceeded.

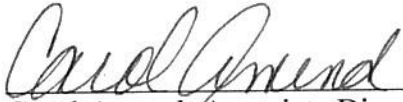
Within **thirty (30) calendar days** of the receipt of this NOV, please submit to EPA a response documenting the measures that the Facility has taken or is taking to achieve compliance with the violations and Areas of Concern noted above or provide an explanation of facts and circumstances, including any relevant documentation, that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Small Business Resources Information Sheet" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Ms. Rebecca Serfass
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103
Serfass.Rebecca@epa.gov
(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date: ~~Apr~~ May 12, 2016

Enclosure

cc: M. Gross, PADEP, w/o enclosure

R. Serfass, 3LC70, w/o enclosure

P. Belgiovane, 3LC70, w/o enclosure